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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BWP Media USA Inc. d/b/a Pacific Coast News

Docket No.: 13-cv-07871-JSR

Plaintiff,

**SUPPLEMENTAL
DECLARATION OF CRAIG B.
SANDERS IN SUPPORT OF
PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT**

UROPA MEDIA, INC.,

Defendant,

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I, Craig B. Sanders, Esq., hereby declare the truth of the following pursuant to 28 U.S.C. §1746:

1. I am a partner at the law firm of Sanders Law, P.L.L.C. and am counsel for Plaintiff, BWP Media USA Inc. d/b/a Pacific Coast News ("Plaintiff"), in the above captioned action.

2. I am an attorney duly admitted to practice law in the State of New York and the United States District Court for the Southern District of New York.

3. I am fully familiar with the facts set forth in this Declaration, and would testify as to them in a court of law if required to do so.

4. I respectfully submit this Supplemental Declaration in response to the Court's request and in support of Plaintiff's application for the entry of a default judgment against Defendant.

5. This action was commenced on November 5, 2013 by the filing of the Summons and Complaint. Attached to this Declaration as **Exhibit A** is a true and correct copy of the Complaint and corresponding Exhibit 1 that was filed in this action.

6. Pursuant to 17 U.S.C. §504 and §505, Plaintiff seeks an award of statutory damages as well as attorney's fees and costs. Plaintiff is seeking to recover statutory damages for Infringement Nos. 1, 2, 8, 9, 10 and 11. (*See* Complaint, Exhibit 1, *attached hereto as Exhibit A*).

7. All the photographs at issue were taken on September 12, 2012 and registered with the U.S. Copyright Office on October 30, 2012, approximately a month and a half after they were first published. *Id.* (Exhibit 1 to the attached Complaint states that the "Date Taken" was September 12, 2012 and "Copyright Registration Date" October 30, 2012).

8. Under 17 U.S.C. §412, registration is a prerequisite to recover statutory damages under sections 504 and 505, which provides in pertinent part:

In any action under this title . . . no award of statutory damages or of attorney's fees, as provided by sections 504 and 505, shall be made for . . . (2) any infringement of copyright commenced after first publication of the work and before the effective date of its registration, unless such registration is made within three months after first publication of the work. 17 U.S.C. §412, 412(2).

9. As a result, statutory damages and attorney's fees are only available if the copyrighted work is registered either before the infringement is discovered or if the work was previously published, within three months of first publication of the copyrighted work.

10. Accordingly, Plaintiff is entitled to recover statutory damages as well as attorney's fees and costs under sections 504 and 505, because the photographs were registered within three months from the date they were taken, which certainly would be within three months of the date they were first published.

11. I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: May 14, 2014
Garden City, New York

/s/ Craig B. Sanders
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